

NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC)	CASE NO. 1:19-cv-145
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
v.)	
)	
SOUTH UNIVERSITY OF OHIO, LLC, <i>et al.</i>)	MAGISTRATE JUDGE
)	THOMAS M. PARKER
Defendants.)	
)	
)	
)	

**DECLARATION OF PASTOR MATTHEW W. BARNETT IN SUPPORT OF THE
MOTION FOR AN ORDER (1) REQUIREING PACIFIC CENTER, LLC AND ITS
COUNSEL OF RECORD, MARK A. KOMPA, ESQ. OF LAW OFFICES OF MARK A.
KOMPA (“RESPONDENTS”) TO SHOW CAUSE WHY THEY SHOULD NOT BE
HELD IN CONTEMPT FOR THEIR KNOWING, WILLFUL AND INTENTIONAL
VIOLATIONS OF THIS COURT’S STAY ORDER; (2) ISSUING SANCTIONS
AGAINST RESPONDENTS (JOINTLY AND SEVERALLY); AND (3) DEEMING VOID
THE STATE COURT DEFAULT JUDGMENT OBTAINED IN VIOLATION OF THIS
COURT’S STAY ORDER**

I, Pastor Matthew W. Barnett, hereby declare as follows:

1. I am a former manager of Argosy Education Group, LLC’s¹ former board of multiple managers.
2. I submit this declaration in support of the Motion for an Order (1) requiring FSP Pacific Center, LLC (“FSP” and/or “Plaintiff”) and its counsel of record, Mark A. Kompa, Esq. of the Law Offices of Mark A. Kompa (“Kompa”)(collectively, FSP and Kompa, the “Respondents”) to show cause why they should not be held in contempt for their knowing, willful and intentional violations of this Court’s Stay Order; (2) issuing

¹ Argosy Education Group, LLC (“Argosy”) is one of the Receivership Entities in the above-captioned case.

sanctions against Respondents (jointly and severally); and (3) deeming void the state court judgment obtained in violation of this Court's Stay Order (the "OSC Motion").

3. Capitalized terms herein have the same meaning as defined in the OSC Motion, filed separately and concurrently hereto.

4. On or about December 8, 2018, I ceased being a manager, co-manager, agent, officer, or representative of Argosy in any way whatsoever.

5. I have been informed and believe that FSP claims in its pleadings in the State Court Action, that on February 4, 2019, it first obtained a default judgment against Argosy on its "unlawful detainer" action, and then it obtained possession of the Premises on February 28, 2019.

6. I was never provided notice of the unlawful detainer action or any action taken by Respondents against Argosy.

7. I was never provided notice of the Complaint or Summons in the State Court Action by Respondents.

8. I am not a judgment debtor, nor a defendant in the State Court Action.

9. I am informed and believe that Respondents filed a judgment lien with the California Secretary of State to perfect a judgment lien over Receivership assets and obtained a Writ of Execution and Abstract of Judgment from the State Court Action. I was never served or provided notice with the foregoing.

10. On or about August 10, 2020, I was served with a Civil Subpoena Duces Tecum issued by FSP ("Subpoena"). A true and correct copy of the "Subpoena" is attached to the Margulies Declaration as **Exhibit "A"** and is incorporated herein by this reference.

11. October 2, 2020 is the date ordered for my appearance and oral examination based upon the request made to the Court in the State Court Action. I am informed that this is a Judgment Debtor Examination despite the fact that Argosy (a Receivership Entity) is the Judgment Debtor obtained in the Default Judgment.

12. I also was not an officer, director or member of Argosy at the time Respondents filed the underlying State Court Action.

13. Following being served in August 2020 with the post-default judgment pleadings (i.e., the Subpoena and order to appear), in August 2020, I retained The Law Offices of Cyndi K. Wong, APC to address the matters for me in the State Court Action.

14. I am informed and believe that it appears that Respondents continue to use the Default Judgment obtained in violation of the Receivership Stay Order as an improper steppingstone for post-default judgment collection actions against me.

15. I have incurred damages (including substantial legal fees and costs) associated with Respondents' failure to abide by this Federal Court's Stay Order, initiating the State Court Action against Argosy, and serving me with a Subpoena and order to appear.

16. My damages continue to increase due to Respondents' refusal to acknowledge and comply with the Receivership Stay Order, refusal to stipulate to my counsel's demands to return to the status quo and Respondents' continued collection actions against me.

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17. I am being subject to **immediate and irreparable harm** if I am forced to respond to the Subpoena and appear at the examination (currently set for October 2, 2020).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22 day of September, at Orange County, California.



Pastor Matthew W. Barnett

CERTIFICATE OF SERVICE

The foregoing was electronically filed this 22nd day of September 2020. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Further, I am familiar with my office's process for service. My office served the following persons and/or entities by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows pursuant to the Secretary of State Statement of No Change form LLC-12NC, attached hereto and California Corporations Code Section 1505 Certificate also attached hereto:

FSP Pacific Center, LLC
515 S. Flower Street, 32nd Floor
Los Angeles, California 90071

FSP Pacific Center, LLC
Attn: Connie Leguizamo, Senior Vice
President
515 S. Flower Street, 32nd Floor
Los Angeles, California 90071

FSP Pacific Center, LLC
Agent for Service of Process
CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

Mark A. Kompa, Esq.
Law Office of Mark A. Kompa
23113 Plaza Point Drive
Suite 110
Laguna Hills, CA 92653-1475

The following party were served via Electronic Mail:

Mark A. Kompa, Esq.
Law Office of Mark A. Kompa
Mark@kompalawoc.com

s/ Craig G. Margulies

Craig G. Margulies (CA SBN 185925)



Secretary of State
Statement of No Change
(Limited Liability Company)

LLC-12NC

19-D71701

FILED

In the office of the Secretary of State
of the State of California

SEP 30, 2019

This Space For Office Use Only

IMPORTANT — [Read instructions](#) before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee – \$20.00

Copy Fee – \$1.00;
Certification Fee - \$5.00 plus copy fee

- 1. Limited Liability Company Name** (Enter the **exact** name of the LLC as it is recorded with the California Secretary of State. Note: If you registered in California using an alternate name, [see instructions](#).)

FSP PACIFIC CENTER, LLC

- 2. 12-Digit Secretary of State File Number**

201126410021

- 3. State, Foreign Country or Place of Organization** (only if formed outside of California)

DELAWARE

- 4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, please complete a Statement of Information (Form LLC-12).)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

- 5.** The information contained herein is true and correct.

09/30/2019

Date

Connie Leguizamo

Type or Print Name of Person Completing the Form

Senior Vice President

Title

Signature

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document, enter the name of a person or company and the mailing address. This information will become public when filed. ([SEE INSTRUCTIONS](#) BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

1505 California Corporations Code Section 1505 Certificate

A0837927

To become authorized to be designated as a corporate agent for service of process for other entities in California, you can fill out this form or prepare your own document, and submit for filing along with:

- A **\$30** filing fee.
- A separate, non-refundable **\$15** service fee also must be included, if you drop off the completed form or document.
- For information about expedited filing requests and current processing times, go to www.sos.ca.gov/business/be/service-options.htm.

Any California corporation or any foreign corporation qualified in California is eligible to file this 1505 certificate as long as the corporation is active on the records of the California Secretary of State. The status of the corporation can be checked online at kepler.sos.ca.gov.

After your 1505 certificate is filed, if any of the information changes you may file a new fully completed 1505 certificate.

FILED *Cutler*
Secretary of State
State of California
JAN 06 2020

IPC

This Space For Office Use Only

① **Corporation's Exact Name** (on file with CA Secretary of State)

CT Corporation System

② **Corporate File No.** (issued by CA Secretary of State)

C0168406

If you don't know the file number, leave Item 2 blank.

Address for Service of Process (List the complete street address in California of the office where any entity designating your corporation as agent for service of process may be served with process. Do not list a P.O. Box address.)

③ **818 West Seventh Street, Suite 930**

Street Address for Service of Process

Los Angeles

City (no abbreviations)

CA 90017

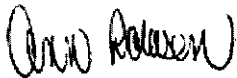
State Zip

Authorized Employees (List the names of all the persons employed by your corporation who are authorized to accept delivery of any copy of service of process, at the address listed in item 3, on any entity who has designated your corporation as its agent for service of process.)

④ Authorized Employees: Amanda Garcia, Vivian Imperial, Gladys Aguilera, Gabriela SanchezDaisy Montenegro, Beatrice Casarez-Barrientez, Carlos Paz, Alberto DamonteJessie Gastelum, Peter Cayetano**Statement of Consent**

- ⑤ This corporation consents that delivery of a copy of service of process to an authorized employee at the address designated in item 3 shall constitute delivery of any such copy to the corporation, as the agent for service of process.

Read and sign below: This form must be signed by an officer of the corporation.



Sign here

Ann Roberson

Print your name here

Vice President

Your business title

Make check/money order payable to: **Secretary of State**

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail

Secretary of State
 Business Entities, P.O. Box 944260
 Sacramento, CA 94244-2600

Drop-Off

Secretary of State
 1500 11th Street, 3rd Floor
 Sacramento, CA 95814